

Application No. 10/660,276
Amendment Dated March 2, 2005

REMARKS/ARGUMENTS:

The present amendment correctly identifies the status of the claims.

Claims 1, 2-24 are pending. Claim 16 is amended to change its dependency to that of claim 15. The election of claims 1, 3-7 and 12-24 is confirmed. Claim 12 is further amended. Claim 13 is canceled. Claims 1 and 3 are amended by placing subject matter from claim 3 into claim 1 and placing subject matter from claim 1 into claim 3.


Claim 12 of the present application constitutes a count that corresponds to claim 1 of US Patent No. 6,543,692. The applicant requests an interference be declared with US Patent No. 6,543,692. The difference between the count and claim 1 of US Patent No. 6,543,692 is the phrase "symbolic icon" found in claim 1 of US Patent No. 6,543,692 and the term "symbol" found in the count. However, their meanings are substantially the same.

Support for the count is found in paragraphs [0026] - [0029] and [0031] that describe "marking both the placebo and the medication with the same readable code, such as letters and/or numbers" and that a bar code "is either printed directly on the pill or on a label secured to the pill and read by a scanner just prior to distribution". The letters and/or numbers constitute a human recognizable symbol and are a general identification suitable for categorical identification (for placebos or for active medication) and communication (paragraphs [0026] and [0027] -- the human recognizable symbols constitute a form a communication that enables takers to associate the code with the presence or absence of effectiveness through observation). The machine readable code may be scanned and the information displayed on the monitor screen may be the actual code, e.g., item identification (see paragraphs [0026] and [0031]).

Early consideration on the merits is requested.

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